

# CIPRIANI & WERNER

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June 8, 2020

## VIA EMAIL

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**RE: In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation,  
U.S. District Court, District of New Jersey,  
Camden Division, No. 1:19-md-02875**

Dear Counsel:

I write regarding Defendants' Motion to Modify the ESI Search Terms and the Court's email addressing the same on May 29, 2020. The Court's email refers to my clients collectively as "Aurobindo." This letter will address them separately given their different positions. However, nothing in this letter should be considered, in any manner whatsoever, a waiver of my clients' rights, privileges or defenses whether jurisdictional or otherwise.

As you know, the parties have not yet agreed on a list of ESI custodians for Aurobindo Pharma Ltd. and thus, their documents have yet to be collected. Aurobindo Pharma Ltd. will continue to meet and confer with Plaintiffs regarding custodians and search terms. Pursuant to the agreed-upon procedure set forth in the Court's Order dated December 23, 2019 (Dkt. 328), the parties shall meet and confer to refine and narrow the search terms in order to reduce unnecessary efforts and cost. We began this process when we entered our appearance for Aurobindo Pharma Ltd. in late February. Plaintiffs indicated that they needed core discovery documents to agree on a list of custodians. Aurobindo Pharma Ltd. will comply with the Court's Orders on core discovery (Dkt. 88 and Dkt. 452). Please let me know when Plaintiffs are available to meet and confer.

Aurolife Pharma LLC and Aurobindo Pharma USA, Inc. have collected the custodial files for all fifteen (15) custodians agreed-to by the parties and have run hit count reports and obtained cost information on both versions of the search terms. The capture rate with the original search terms was approximately 35% (approximately 52% with families included) whereas with the revised terms it was only about 12% (approximately 28% with families included). Aurolife and

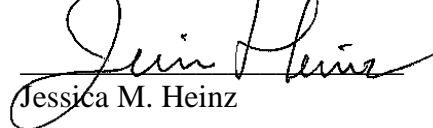
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Aurobindo USA met and conferred with Plaintiffs regarding a list of other drug names and a list facilities names in hopes these would lead to a substantial reduction in the overall hit count on the original terms. During this process, Mylan submitted its counterproposal to Plaintiffs and all Defendants subsequently met-and-conferred with Plaintiffs prior to the April 15<sup>th</sup> teleconference with Judge Schneider. The Defendants raised the overbreadth of the search terms during the call with Judge Schneider on April 15<sup>th</sup> and prior to the April CMC. Aurolife and Aurobindo USA requested an estimate from their vendor as to the review cost associated with utilizing the original search terms versus the revised search terms. Their vendor has concluded that they will incur approximately \$735,900.00 to process, store and review documents captured by the original search terms, compared to approximately \$391,300.00 to process, store and review documents captured by the revised search terms. This is a significant difference in costs, and it does not even account for costs related to processing, storage and review of non-custodial documents. Aurolife and Aurobindo USA would like to continue to meet and confer with Plaintiffs regarding the ESI search terms as contemplated by the parties during their negotiations and memorialized in the December 23, 2019 Order (Dkt. 328). To the extent the Court declines to adopt the revised search terms and Plaintiffs refuse to meet and confer with Defendants pursuant to the Court's December 23, 2019 Order, Plaintiffs should be required to share in the costs of eDiscovery.

Please let me know when Plaintiffs are available to continue the meet and confer process.  
Thank you.

Sincerely,

**CIPRIANI & WERNER**



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